

COMMONWEALTH of PENNSYLVANIA

135360



REC'D SEP 19 '78

DEPARTMENT OF ENVIRONMENTAL RESOURCES

Bureau of Air Quality Control
407 South Cameron Street
Harrisburg, Pennsylvania 17101
(717) 787-9685

Mr. Donald J. King
Operations Manager
Whitmoyer Laboratories
A Division of Beecham, Inc.
19 North Railroad Street
Myerstown, PA 17067

Dear Mr. King:

Pursuant to our meeting of September 8, 1978, this letter of agreement is submitted in order to settle the violations of Sections 127.11, 127.12, and 127.25 of Chapter 127 and Section 121.7 of Chapter 121 of the Rules and Regulations of the Department of Environmental Resources and Section 8 of the Air Pollution Control Act arising from the modification and operation of the arsenic waste evaporation system under operating permit No. 38-313-003 at Whitmoyer Laboratories, Jackson Township, Lebanon County. The terms of this agreement are as follows:

1. For the modification of the arsenic waste evaporation system, without prior approval from the Department of Environmental Resources, Whitmoyer Laboratories shall pay the sum of five hundred (\$500.00) dollars.
2. For failure to list all air contaminants in the application for plan approval upon which the issuance of operating permit No. 38-313-003 was based, Whitmoyer Laboratories shall pay the sum of five hundred (\$500.00) dollars.
3. For not operating the arsenic waste evaporation system in accordance with the terms and conditions of operating permit No. 38-313-003, Whitmoyer Laboratories shall pay the sum of five hundred (\$500.00) dollars.
4. For operating the arsenic waste evaporation system in such a manner that air pollution was caused, Whitmoyer Laboratories shall pay the sum of five thousand (\$5000.00) dollars.

AR100298

5. Payment of the total sum of six thousand and five hundred (\$6500.00) dollars shall be made payable to the Pennsylvania Clean Air Fund. Said payment is due and payable immediately upon execution of this agreement and shall be forwarded, accompanied by a completed Transmittal of Penalty Payment form, to Mr. M. F. Robinson, Administrative Officer, Bureau of Air Quality Control, P. O. Box 2063, Harrisburg, Pennsylvania 17120.
6. In consideration of said payment and the execution of this agreement, the Department of Environmental Resources agrees that it will not initiate any action at law or in equity against Whitmoyer Laboratories, Inc., its employees, successors, agents or assigns for the said violations.
7. The waiver in Paragraph 6 is valid for said violations prior to September 8, 1978 and shall expire if the application for plan approval submitted by Whitmoyer Laboratories on July 17, 1978, is disapproved by the Department.
8. Nothing herein contained shall be construed to relieve or limit Whitmoyer Laboratories, Inc. from complying with the terms and conditions of any plan approval or permit existing, or hereafter issued to Whitmoyer Laboratories by the Department.

Please return a signed copy of this letter agreement to me at the letterhead address.

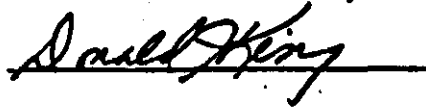
Very truly yours,



Hartwin E. Weiss
Air Pollution Control Engineer

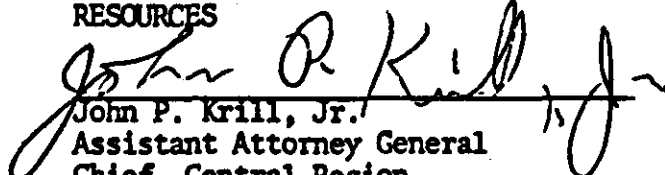
The terms of the letter of agreement are hereby consented to and agreed to:

FOR WHITMOYER LABORATORIES, INC.
~~XXXXXXXXXXXXXXXXXXXX~~



Date October 3, 1978

FOR THE DEPARTMENT OF ENVIRONMENTAL
RESOURCES



John P. Krill, Jr.
Assistant Attorney General
Chief, Central Region
Bureau of Litigation Enforcement

AR100299

TRANSMITTAL OF PENALTY PAYMENT

TO: Michael F. Robinson
Department of Environmental Resources
Bureau of Air Quality & Noise Control
P. O. Box 2063, Fulton National Building
Harrisburg, PA 17120

FROM: Whitmoyer Laboratories, Inc.
(Company)
19 North Railroad Street
(Mailing Address)
Myerstown, Pennsylvania 17067

RE: Settlement Agreement with -

Company Whitmoyer Laboratories, Inc.
Plant Myerstown
Township Jackson
County Lebanon
Agreement entered into October 3, 1978
(date)

As required by the above agreement, a payment in the
amount of \$ 6,500.00 is enclosed, to be deposited
in the Clean Air Fund.

Donald King
(Signature)
Operations Manager
(Title)

Enclosure

AR100300

COMMONWEALTH of PENNSYLVANIA



DEPARTMENT OF ENVIRONMENTAL RESOURCES

BUREAU OF AIR QUALITY CONTROL

200 N. Third St.
P. O. Box 2063
Harrisburg, PA 17120

October 11, 1978

WHITMOYER LABORATORIES, INC.
19 NORTH RAILROAD ST.
MYERSTOWN, PA 17067

Re: 064284

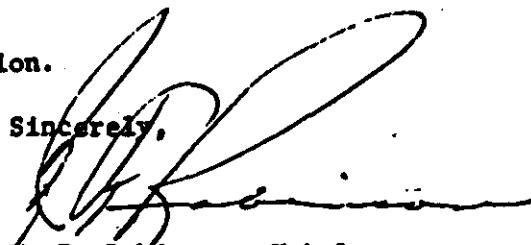
Your check in the amount of \$6,500.00 has been received by the Bureau of Air Quality Control, Department of Environmental Resources, Harrisburg, Pennsylvania.

Please be advised that your payment was forwarded to the Department's Comptroller for deposit into the "Clean Air Fund".

In the future you should be receiving your cancelled check, verifying the deposit action.

Thank you for your cooperation.

Sincerely,


H. P. Robinson, Chief
Administrative Services
Bureau of Air Quality Control

REGION III

AR100301

RECEIVED OCT 13 1978

Rec'd: 10-18-78
R.G.C.

cc: H.M.I.